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FILED

DISTRICT COURT OF GUAM

FEB 16 2006 *af*

MARY L.M. MORAN
CLERK OF COURT

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF GUAM**

11 UNITED STATES OF AMERICA,)

12 Plaintiff,)

13 vs.)

14 McCARTHY OCAYA CARTER,)

15 Defendant.)
16

CRIMINAL CASE NO. 05-00087

**GOVERNMENT'S RESPONSE TO
PRESENTENCE INVESTIGATION
REPORT**

17 Comes now the United States and adopts the findings of the PSR with the following
18 additional comments:

- 19 1. Paragraph 5 of the PSR should also reflect that with respect to the rest of the
20 evidence seized from Carter's residence, the Ninth Circuit remanded to the district
21 court for a factual finding on whether Carter's consent to the search term in the
22 probation agreement was voluntary. Consistent with that ruling, an evidentiary
23 hearing was scheduled for December 13, 2005.
- 24 2. Paragraph 45 of the PSR should reflect that: The drugs and firearms were excluded
25 from evidence by the U.S. District Court of Guam, and, with respect to such evidence
26 seized from Carter's residence, the Ninth Circuit remanded to the district court for
27 a factual finding on whether Carter's consent to the search term in the probation
28 agreement was voluntary.

1 3. The judgment and commitment order should also reflect that defendant shall forfeit
2 to the United States all property described in the forfeiture allegation of the
3 information, including the \$106,202 in U.S. currency that agents recovered from
4 defendant, his residence, and vehicle on November 20, 2003.

5 Dated this 16th day of February 2006.

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7 LEONARDO M. RAPADAS
8 United States Attorney
9 Districts of Guam and CNMI

10 By: 

11 MARIVIC P. DAVID
12 Assistant U.S. Attorney
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